

REMARKS

In response to the Advisory Action mailed July 17, 2008, and the Final Office Action mailed April 14, 2008, Claims 1-4 are pending and stand rejected. Claims 1-4 have been amended. Support for the amendments may be found generally throughout the specification and specifically within paragraphs 8, 10, 23, 28, and 40-58 inclusive. No new matter has been added by virtue of these amendments.

I. Claim Objections

Applicants have amended the specification to capitalize the term SEQ ID NO: 1 in Claims 1-4 as per the Examiner's suggestion.

Accordingly, Applicants respectfully request that the objections to Claims 1-4 be hereby withdrawn. Applicants further note that Claim 2, as amended, is free of any pending rejections in the April 14, 2008 Office Action, and thus Applicants respectfully request Claim 2 be placed into condition for allowance.

II. Claim Rejections

A. 35 USC 112, 1st paragraph, written description

Claims 1 stands rejected by the Examiner under 35 USC 112, 1st paragraph for lack of written description. Specifically, the Examiner contends that the ligand bound to the disclosed, otherwise adequately structurally described, crystal should be disclosed in said claim. Applicants respectfully traverse and overcome said rejection.

Applicants have amended Claim 1 to define the ligand to be bound to the disclosed crystal as being selected from the group of ligands described in Examples 3-10 of the specification. The Examiner has acknowledged enablement for these Examples and the ligands described therein. Applicants accordingly respectfully submit that Claim 1, as amended, is therefore clear and adequately-defined and described.

Applicants therefore respectfully request that the 35 USC 112, 1st paragraph rejection for written description be withdrawn and that Claim 1, as herein amended, be placed into condition for allowance.

B. 35 USC 112, 1st paragraph, enablement

Claims 1 and 3-4 stand rejected by the Examiner under 35 USC 112, 1st paragraph for lack of enablement. Specifically, the Examiner contends there is no enablement for all the crystals of Claim 1 and methods preparation of same in Claims 3-4. The Examiner does acknowledge enablement of crystals comprising Seq ID No:1 and enablement for methods of preparing crystals of Seq ID No:1 with or without specified ligands (Examples 3-10 of the specification). Applicants respectfully traverse and overcome said rejection.

As noted ante, Applicants have amended Claim 1 to define the ligand to be bound to the disclosed crystal as being selected from the group of ligands described in Examples 3-10 of the specification. Applicants have likewise amended Claim 3 similarly to include the group of ligands described in Examples 3-10 of the specification. The Examiner has acknowledged enablement for these Examples and the ligands described therein.

Therefore, Applicants respectfully submit that Claims 1 and 3-4, as herein amended, are enabled by the specification. Accordingly, Applicants respectfully request that the 35 USC 112 1st paragraph enablement rejection be hereby withdrawn and Claims 1 and 3-4, as amended, be placed into condition for allowance.

Appl. No. 10/816,708

Filed: April 2, 2004

No further fee is believed to be required in connection the filing of this Amendment. If any additional fees are deemed necessary, including an additional one (1) month extension of time. Applicants hereby give authorization to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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